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UNITED STATES DISTRICT COURT
 [NORTHERN] DISTRICT OF NEVADA

DREW RIBAR,

Plaintiff,

Case No. 3:24-cv-00526

v.

WASHOE COUNTY, NEVADA; WASHOE
 COUNTY LIBRARY SYSTEM; BUILD OUR
 CENTER, INC.; JEFF SCOTT; STACY
 MCKENZIE; JONNICA BOWEN; LIBRARY
 EMPLOYEE DOE # 1; JENNIFER COLE;
 DEPUTY C. ROTHKIN (Badge No. 4696);
 DEPUTY R. SAPIDA (Badge No. 4663);
 SGT. GEORGE GOMEZ (Badge No. 4066);
 and JOHN/JANE DOES 1-10;

Defendants.

DEFENDANT
BUILD OUR CENTER'S REPLY
RE MOTION FOR LIMITED
PROTECTIVE ORDER TO STAY
DISCOVERY AS TO BUILD OUR
CENTER

Defendant BUILD OUR CENTER INC., by and through its undersigned counsel, herein makes it reply to *Plaintiff's Opposition to Defendant Build Our Center, Inc.'s Motion for Limited Protective Order to Stay Discovery* (ECF 51) filed in this proceeding on January 13, 2025 ("Opposition").

This *Reply in Support of Motion for Limited Protective Order to Stay Discovery as to Build Our Center* ("Reply") is made and based upon all records and pleadings on file – including the *Motion for Limited Protective Order to Stay Discovery as to Build Our Center* (ECF 49) filed in this proceeding on January 20, 2025 ("Motion to Stay"), which is incorporated in its entirety herein by this reference – and the points and authorities set forth below.

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INTRODUCTION

While Plaintiff Drew Ribar’s (“Mr. Ribar”) *Opposition* raises unfounded claims that Defendant Build Our Center (“Build Our Center”) is allegedly conspiring to “frustrate Plaintiff,” these claims are a mere distraction from the central issue raised in Build Our Center’s Motion to Dismiss and Motion to Stay: Mr. Ribar failed to state a claim upon which relief can be granted as to Build Our Center and, because of this, discovery is not only premature, but would be wholly improper as it would allow Mr. Ribar to conduct an unrestrained fishing expedition. Because Mr. Ribar cannot articulate a cognizable legal theory against Build Our Center or even provide the slightest facts that would suggest Build Our Center is liable for the purported conduct in his Complaint, it is proper to grant a limited protective order to stay discovery as to Build Our Center.

POINTS AND AUTHORITIES

I. LEGAL ARGUMENT

Mr. Ribar did not dispute any of Build Our Center’s legal argument that: (1) Build Our Center’s Motion to Dismiss is dispositive; (2) Build Our Center’s Motion to Dismiss can be decided without additional discovery; (3) if the Court takes a preliminary “peek” at Mr. Ribar’s Complaint and Build Our Center’s Motion to Dismiss, it will determine that the Complaint fails to state a claim for which relief can be granted as to Build Our Center. ” *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013) (citing *Tradebay LLC*, 278 F.R.D. 597, 601-03 (D. Nev. 2011)). For this reason, the Court should construe his non-opposition as an admission to their merits.

First, Mr. Ribar does not dispute the Motion to Dismiss is Dispositive; the request for relief seeks to dismiss all Mr. Ribar’s claims against Build Our Center. There is no question whether the Motion to Dismiss is dispositive. Second, Mr. Ribar does not dispute that the Motion to Dismiss can be decided without the need for additional discovery. Build Our Center’s Motion to Dismiss focuses on

1 the facial flaws of Mr. Ribar’s Complaint that requires no scrutiny of any
2 underlying evidence. Third, Mr. Ribar does not dispute that if the Court takes a
3 preliminary “peek” at Mr. Ribar’s Complaint and the Motion to Dismiss, it will be
4 convinced that Mr. Ribar will be unable to state a claim for relief. *Tradebay*, 278
5 F.R.D. at 600. Critically, Mr. Ribar’s Complaint contains no facts that give rise
6 to a cognizable legal theory against Build Our Center – that Build Our Center
7 allegedly “collaborated with the Library System to organize events and acted in
8 joint participation with state actors” is insufficient. As set forth in Build Our
9 Center’s Motion to Dismiss, Mr. Ribar’s Complaint is conclusory and fails to set
10 forth any facts as to the basic circumstances of how Build Our Center allegedly
11 harmed Mr. Ribar. *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754–55 (9th
12 Cir. 1994) (A court is not required to accept legal conclusions cast in the form of
13 factual allegations if those conclusions cannot reasonably be drawn from the
14 facts alleged.) Mr. Ribar’s assertion that he has “evidence” of purported
15 “collaboration with Washoe County” is likewise insufficient to survive the Motion
16 to Dismiss; Mr. Ribar’s Complaint itself must contain facts that show Build Our
17 Center engaged in misconduct (it did not). Mr. Ribar’s Complaint is not only
18 fatally flawed, but he has not and will not be able to allege any facts to support
19 a cognizable legal theory against Build Our Center.

20 It would be wholly improper to permit Mr. Ribar to propound discovery on
21 Build Our Center without any boundaries or scaffolding. FRCP 26 requires
22 discovery requests to be relevant and proportional – but where there are no
23 articulable facts or cognizable legal theory, no discovery could be relevant or
24 proportional.

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CONCLUSION

For these reasons, and for those set forth in the Motion to Dismiss and the Motion to Stay, Build Our Center respectfully requests the Court enter a limited protective order and stay discovery as to Build Our Center pending disposition of the Motion to Dismiss.

DATED January 21, 2025. SIERRA CREST BUSINESS LAW GROUP

By:



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CERTIFICATE OF SERVICE

I certify that I am an employee of the SIERRA CREST BUSINESS LAW GROUP who, on the below-written date, caused a true copy of the foregoing to be transmitted via email and also to be filed using the above-entitled Court's electronic filing (CM/ECF) system which will automatically e-serve the same) on the person(s) and/or entity(ies) set forth directly below:

Drew Ribar

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const2audit@gmail.com
Plaintiff in propria persona

Michael W. Large, Esq.

DEPUTY DISTRICT ATTORNEY
One South Sierra Street Reno, NV 89501
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Counsel for Plaintiffs Washoe County and its Library System, Jeff Scott, Stacy Mckenzie, Jonnica Bowen, Jennifer Cole; Deputy C. Rothkin, Deputy R. Sapida, and Sgt. George Gomez

DATED: January 21, 2025.

/s/ Mayra Ibarra

an employee of the
SIERRA CREST BUSINESS LAW GROUP

INDEX OF EXHIBITS

to

DEFENDANT BUILD OUR CENTER’S REPLY RE
MOTION FOR LIMITED PROTECTIVE ORDER TO
STAY DISCOVERY AS TO BUILD OUR CENTER

re

Ribar vs. Washoe County, et alia
(Case No. 3:24-cv-00526)

Exhibit No.	Exhibit Description	Pages (+ Cover)
	None	
	Not Applicable	